



U.S. Department
of Transportation

Research and
Special Programs
Administration

SEP 13 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 9874
(SECOND REVISION)

EXPIRATION DATE: AUGUST 31, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow Chemical Company
Midland, Michigan
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of video cameras and monitors to observe the loading and/or unloading operations of hazardous materials from Production Control Centers in lieu of personnel remaining within 25 feet of the cargo tanks. This exemption provides no relief from any Hazardous Materials Regulation (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 177.834(i)(3).
5. BASIS: This exemption is based on the application of Dow Chemical Company dated August 24, 2000, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous Material in various hazardous classes or divisions	2.1	As appropriate	N/A
	2.2		N/A
	2.3		N/A
	3		I, II, III
	4.2		II, III
	5.1		I, II, III
	5.2		II
	6.1		I, II, III
	8		I, II, III
	9		III
	Combust- ible		III
	liquids		

7. SAFETY CONTROL MEASURES: Production Control Centers must be manned during all loading/unloading operations. Each loading and/or unloading system must be equipped with the following:

a. Video camera(s) that provide an unobstructed view of all loading/unloading valves, hoses, domes, and safety relief devices.

Upon loss of video, loading/unloading operations must be immediately terminated.

b. A positive means for pump shut-off must be provided.

c. Each loading/unloading location must be provided with a means other than visual, for determining the liquid level in the cargo tank.

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d. For cargo tanks equipped with bottom discharge valves or for loading/unloading stations located more than 100 feet from the Production Control Center, a means to prevent loss of contents from the cargo tank must be provided at the cargo tank discharge valve.

e. Each loading/unloading station must be provided with a remotely operated fire control system that is compatible with the material being loaded.

f. Each loading/unloading station must be provided with a containment system that has capacity that is large enough to contain the entire contents of the largest cargo tank that is loaded/unloaded at that station.

8. SPECIAL PROVISIONS.

a. A current copy of this exemption must be conspicuously posted at each Production Control Center operating under this exemption.

b. Each cargo tank must be visually inspected prior to shipment to insure that it has not been damaged during loading.

c. Dow Chemical must maintain a list of qualified person(s) as described in § 177.834(i)(4) to be in charge of the loading/unloading operation. A current copy of this list must be available for inspection during normal working hours.

d. Before loading/unloading Dow Chemical must enter into a written agreement with each carrier specifying the person who must be responsible for moving the cargo tank in case of a emergency. A copy of each agreement must be available for inspection during normal working hours. A sample copy of the written agreement must be on file with OHMEA.

e. Dow Chemical must provide to OHMEA a current listing of those facilities operating under this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: None as a requirement of this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. Section 5101 et seq:


- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when the exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: Dow Chemical must report any incident involving loss of contents or damage to cargo tanks loaded/unloaded in accordance with the provisions herein to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued at Washington, D.C.:



FOR Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln